

August 18, 2014
FOR IMMEDIATE RELEASE

Summary of August 7-8, 2014, Board Meeting

The following is a summary of August 7-8, 2014, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 167 cases.

New Investigative Cases: The Board reviewed 75 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 2 Statements of Charges.

1. An Iowa-licensed physician who formerly practiced general medicine in Blue Earth, Minnesota, had formal disciplinary charges filed against him by the Board on August 8, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since November 1, 2012. On March 9, 2013, the physician entered into a Stipulation and Order with the Minnesota Board of Medical Practice (Minnesota Board). The Minnesota Board alleged that the physician is unable to practice medicine with reasonable skill and safety at this time due to illness. The Minnesota Board indefinitely suspended the physician's Minnesota medical license. The Iowa Board charged the physician with being disciplined by the Minnesota Board. A hearing is scheduled on October 2, 2014.
2. An Iowa-licensed physician who formerly practiced cardiovascular medicine in Sioux Falls, South Dakota, had formal disciplinary charges filed against him by the Board on August 8, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since January 1, 2011. On November 9, 2011, the physician entered into an Agreement to Voluntarily Surrender his South Dakota Medical License with the South Dakota Board of Medical and Osteopathic Examiners due to a mental health condition. A hearing is scheduled on October 2, 2014.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreement contains the allegations and the sanctions.

The Board approved 9 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician Iowa-licensed physician who practices emergency medicine in Sioux City, Iowa, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The Board charged the physician with violating the terms of a physician health contract that he entered into with the Iowa Physician Health Program for substance abuse. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Board also placed the physician on probation for a period of five years subject to substance abuse counseling and monitoring.
2. An Iowa-licensed physician who currently practices physical and rehabilitation medicine in Fort Lauderdale, Florida, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The physician's Iowa license has been inactive due to nonrenewal since December 1, 1987. On June 13, 2013, the physician was disciplined by the Florida Board of Medicine (Florida Board) for prescribing inappropriate and excessive quantities or combinations of controlled substances to five patients in Miramar, Florida, between December 2008, and March 2010. The Florida Board issued the physician a reprimand and ordered her to pay a \$20,000 fine plus costs. The Florida Board also permanently prohibited the physician from owning, operating or practicing in a pain management clinic and prescribing schedule II – III controlled substances and benzodiazepines. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered her Iowa medical license.
3. An Iowa-licensed physician who formerly practiced family medicine in Corning, Iowa, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The Board charged the physician with inappropriately accessing the medical records of multiple individuals who were not under his care for other than a legitimate medical purpose in violation of patient privacy standards in Corning, Iowa, in 2012. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$7,500 civil penalty and complete a Board-approved professional ethics program.
4. An Iowa-licensed physician who currently practices occupational medicine and wound care in Dubuque, Iowa, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The Board charged the physician with failing to provide appropriate pain management and failing to timely complete dictation for multiple patients in Dubuque, Iowa, between May 2009 and November 2010. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain until and unless she demonstrates to the Board that she is competent to provide such care with reasonable skill

and safety and receives written approval from the Board. The Board also ordered the physician to complete a Board-approved professional ethics program and medical record keeping course and placed her on probation for a period of five years subject to monitoring, including prescribing audits.

5. An Iowa-licensed physician who practices family medicine in Indianola, Iowa, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The Board charged the physician with pre-signing prescriptions and allowing his nurse to fill out the remainder of the prescription blanks on multiple occasions in Indianola, Iowa, between 2008 and 2012. The nurse obtained numerous controlled substances by altering the prescriptions to allow for refills and by calling in prescriptions that were not authorized, for family members and a family friend. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved prescribing course and professional ethics program.
6. An Iowa-licensed physician who formerly practiced hormone replacement therapy in Grand Rapids and Wixom, Michigan, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The physician's Iowa license has been inactive due to nonrenewal since July 1, 1981. On January 16, 2013, the physician was disciplined by the Michigan Board of Medicine (Michigan Board) for failing to provide appropriate hormone replacement therapy to an elderly female patient between December 8, 2010, and January 12, 2011. The Michigan Board issued the physician a Reprimand and ordered him to pay a \$2,500 fine and restitution to the patient. On March 19, 2014, the physician was disciplined by the Michigan Board for failing to provide appropriate hormone replacement therapy to a female patient between January 12, 2011, and September 18, 2011. The Michigan Board placed him on probation for a period of one year and ordered him to pay a \$5,000 fine and restitution to the patient. The Michigan Board also ordered the physician to successfully complete 10 hours of continuing medical education for the treatment of post-menopausal women. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
7. An Iowa-licensed physician who practices family medicine in Palmetto, Florida, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. On February 11, 2013, the physician was disciplined by the Florida Board of Medicine (Florida Board) for failing to provide appropriate care to a 54-year-old male patient with diabetes in Palmetto, Florida, in February 2011, resulting in the patient's death. The Florida Board issued the physician a Letter of Concern and ordered him to pay a \$10,000 fine plus costs. The Florida Board also ordered the physician to complete a medical record keeping course and continuing medical education for the appropriate treatment of diabetes and risk management. The physician successfully completed all of the requirements established by the Florida Board. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning for being disciplined by the Florida Board.
8. An Iowa-licensed physician who practices orthopedic surgery in Davenport, Iowa, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The Board charged the physician with inadvertently performing surgery on a patient's left ankle when the patient was scheduled to undergo surgery on the right ankle. The physician recognized the error after he completed the procedure and immediately informed the patient and her family about the error. The patient chose to undergo surgery on the right ankle as well. Under the terms of the August 7, 2014, combined Statement of

Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty and he submitted a written corrective action plan which describes the steps he has taken to avoid such errors in the future.

9. An Iowa-licensed physician who practices surgery in Mason City, Iowa, entered into a combined Statement of Charges and Settlement Agreement on August 7, 2014. The Board charged the physician with inadvertently performing trigger release surgery on a patient's right ring finger when the patient was scheduled to undergo trigger release surgery on the right long finger, requiring additional surgery. the physician recognized the error, informed the patient and subsequently performed the correct procedure. Under the terms of the August 7, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty and he submitted a written corrective action plan which describes the steps he has taken to avoid such errors in the future.

Settlement Agreements: After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved 1 Settlement Agreement.

An Iowa-licensed physician who practices family medicine in Washington, Iowa, entered into a Settlement Agreement on August 7, 2014. On February 12, 2009, the physician entered into a combined Statement of Charges and Settlement Agreement. The Board charged the physician with failing to provide appropriate chronic pain treatment to multiple patients and failing to maintain appropriate professional boundaries with patients. the physician voluntarily completed over thirty credit hours of continuing medical education for the appropriate chronic pain treatment and maintaining appropriate professional boundaries. The physician also agreed to be monitored by the Iowa Physician Health Program. The Board issued the physician a Citation and Warning and placed her on probation for a period of five years subject to counseling and monitoring. On February 12, 2014, the physician completed the terms of her probation. On January 24, 2014, the Board charged the physician with failing to provide appropriate obstetrical care to multiple patients in Washington, Iowa, between 2005 and 2010. Under the terms of the August 7, 2014, Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to pay a \$5,000 civil penalty. The Board also permanently prohibited the physician from practicing obstetrics and placed her on probation for a period of five years subject to remediation and monitoring.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from physical, neurological or mental condition, or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved assessment program.

The Board approved 1 confidential Evaluation Order due to the following areas of concern:

1. Concerns that an Iowa-licensed physician violated appropriate physician-patient professional boundaries and engaged in unprofessional conduct and/or disruptive behavior in the practice of medicine.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 19 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician over-utilized endoscopy procedures including endoscopic retrograde cholangiopancreatogram (ERCP) procedures.
2. Concerns that a physician failed to appropriately manage a serious groin infection.
3. Concerns that a physician violated appropriate professional boundaries with a subordinate female co-worker.
4. Concerns about a physician's treatment of a patient with Type I diabetes.
5. Concerns about a physician's postoperative management of a patient's surgical complication.
6. Concerns that a physician failed to timely diagnose a patient's squamous cell carcinoma.
7. Concerns about a physician's insensitive comments during a physical examination of a female patient.
8. Concerns that a physician squirted a co-worker with fluid from a syringe during a surgical procedure to get the co-worker's attention.
9. Concerns that a physician transected a patient's common bile duct during gallbladder surgery.
10. Concerns about a physician's management of a high-risk pregnancy.
11. Concerns about a physician's anticoagulation management.
12. Concerns about a physician's evaluation and treatment of a patient's heart disease.
13. Concerns about a physician's management of a high-risk pregnancy.
14. Concerns that a physician failed to wear sanitary gloves while treating patients.
15. Concerns about a physician's surgical treatment and postoperative management of a patient.
16. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board due to a health condition which impairs the physician's ability to practice medicine with reasonable skill and safety.
17. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for improper pain management.
18. Concerns that a physician was disciplined by another state licensing Board for anger management and disruptive behavior.
19. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for failing to provide appropriate monitoring of a nurse who practiced a remote pain clinic.

Unlicensed Practice of Medicine: The Board may review allegations that an individual has engaged in the practice of medicine in Iowa without a medical license in violation of Iowa law.

The Board reviewed 1 case which alleged that an individual engaged in the practice of medicine in Iowa without a medical license in violation of Iowa law. The Board left the case open.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 11 physicians who are being monitored by the Board and held 5 physician appearances.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 40 cases.

Licensure Committee: The Licensure Committee is a committee which reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 10 licensure applications and granted 3 permanent licenses, 1 resident license, and 3 temporary licenses. Three applications were left open to obtain further information. The Committee also reviewed 1 physician's training history to determine licensure eligibility.

The Licensure Committee approved ten Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application.

In other action the Board:

- Voted to promulgate administrative rules to engage the 2014 House Base Iowa Act for medical or acupuncture licensure of military veterans, allowing credit for military training and experience, the issuance of a provisional license pending the veteran's completion of certain requirements for licensure, and issuing licenses to veterans who are already licensed in another state and are in good standing.
- Reviewed the Board's 2015 regulatory plan and legislative agenda for the 2015 General Assembly.
- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 83 participants on August 1. There have been 29 new participants admitted to program since January 1 and 25 discharges.
- Received reports from the Iowa Attorney General's Office on five disciplinary cases and one rulemaking case under judicial review in state courts

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on August 13, 2014. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.